

Nicholas H. Carter, Esq.
Stephanie M. Humphrey, Esq.
The Nick Carter Law Firm, P.C.
310 South Gillette Ave., Suite B
P.O. Box 909
Gillette, WY 82717-0909
(307) 682-9349
(307) 687-7690 - Fax

**IN THE UNITED STATES DISTRICT COURT,
FOR THE DISTRICT OF WYOMING**

RUDOLF DEHAAN,

Plaintiff,

vs.

Civil Case No. 07-CV-0257-J

**PERRY ROCKVAM, individually and as
representative for CODY POLICE
DEPARTMENT, and CODY POLICE
DEPARTMENT, and SCOTT A. STEWARD,
individually and as representative for PARK
COUNTY SHERIFF'S DEPARTMENT AND
DETENTION CENTER, and PARK COUNTY
SHERIFF'S OFFICE AND DETENTION
CENTER, and OFFICER TORIN
CHAMBERS, and JOHN DOES #1-#6,**

Defendants.

PLAINTIFF'S DESIGNATION OF EXPERT WITNESSES

Plaintiff, Rudolf Dehaan, by and through his attorneys, Nicholas H. Carter and Stephanie M. Humphrey, The Nick Carter Law Firm, P.C., hereby designates the following expert witnesses in the above-entitled matter:

1. ***Police Practices Expert/Detention Practices/Liability Expert***
D.P. Van Blaricom, MPA, FBI-NA, Chief of Police (Ret.)
D.P. Van Blaricom, Inc.
Police Practices Expert
835 - 91st Lane NE
Bellevue, WA 98004-4811
(425) 453-0082

Chief D.P. Van Blaricom's *curriculum vitae* is attached hereto as Exhibit 1-A. Pursuant to Rule 26 (a)(2)(b), of the Federal Rules of Civil Procedure, the report of Plaintiff's police and detention practices liability expert is attached hereto as Exhibit 1-D, and incorporated herein by this reference. The report includes the opinions that Chief Van Blaricom will offer and bases of his opinions and the data or other information considered by him in forming his opinions. Plaintiff's Exhibits 1-A, 1-B and 1-C outline his qualifications, including publications authored; a listing of other cases in which he has testified as an expert at trial or by deposition; and the compensation to be paid for his testimony. It is anticipated that Chief Van Blaricom will be deposed and that he will testify consistently with his deposition testimony.

Any document, manual, diagram, report or other matter referenced in Chief Van Blaricom's report may constitute an exhibit to be used as summary or support for his opinions, including, but not limited to the following:

1. Cody Police Department reports 04-2727;
2. Plaintiff's medical records;
3. Cody Police Department Person Record of Plaintiff;

In addition to those opinions expressed in his report, Chief Van Blaricom reserves the right to modify or offer other additional opinions in rebuttal or regarding matters not known to him, or documents not reviewed by him at present or as ongoing discovery dictates.

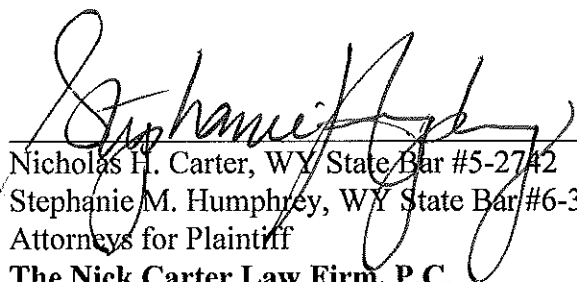
2. Medical Expert

Joseph F. Allegretto, M.D.
Thunder Basin Orthopaedics
109 West Lakeway Road
Gillette, WY 82718
(307) 682-6222

Dr. Allegretto's *curriculum vitae* is attached hereto as Exhibit 2-A. Pursuant to Rule 26 (a)(2)(b), of the Federal Rules of Civil Procedure, in a letter to Plaintiff's counsel dated April 28, 2008, Dr. Allegretto's initial opinion and report of the Plaintiff's injuries is attached hereto as Exhibit 2-C, and incorporated herein by this reference. Plaintiff's Exhibits 2-A and 2-B outline his qualifications, a listing of other cases in which he has testified as an expert at trial or by deposition; and the compensation to be paid for his testimony. Dr. Allegretto will testify regarding medical records that he has reviewed of the Plaintiff and injuries consistent with the allegations of the Plaintiff. Attached hereto as Exhibit 2-C is a summary of Dr. Allegretto's findings after a review of Plaintiff's medical records and radiological exams, including x-rays taken before and after the arrest of the Plaintiff. Defense counsel shall be provided with future medical records as they are received by Plaintiff's counsel.

Dr. Allegretto's opinions will be based upon his education, training, experience, and his review of the Plaintiff's medical records and radiological exams, including x-rays taken before and after the arrest of the Plaintiff. His testimony will include the same, as well as the course and scope of potential future treatments that the Plaintiff may require, and the reasonableness and necessity of the care provided to the Plaintiff. Dr. Allegretto's opinion will include, the timing and mechanism of Plaintiff's arrest are consistent with the changes in the fracture orientation, and that the arrest was the proximate cause of the Plaintiff's forearm fracture displacement. Additionally, Dr. Allegretto will testify regarding the surgical procedure performed, the potential for future treatment, and the costs and expenses associated therewith.

Respectfully submitted this 2nd day of May, 2008.



Nicholas H. Carter, WY State Bar #5-2742
Stephanie M. Humphrey, WY State Bar #6-3865
Attorneys for Plaintiff
The Nick Carter Law Firm, P.C.
310 South Gillette Avenue, Suite B
Post Office Box 909
Gillette, Wyoming 82717-0909
Telephone: (307) 682-9349
Facsimile: (307) 687-7690
E-mail: attorneys@nickcarterlaw.net

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of May, 2008, the foregoing Defendant's Designation of Expert Witnesses was electronically filed and served upon the following:

Bruce A. Salzburg
Attorney General

E-mail @ attorneygeneral.state.wy.us.

John W. Renneisen
Deputy Attorney General

Christine Cox
Senior Assistant Attorney General
Herschler Building, First Floor West
Cheyenne, WY 82002

Richard Rideout
Law Offices of Richard Rideout
P.O. Box 389
Cheyenne, WY 82003-0389

E-mail @ rsrideout@qwest.net

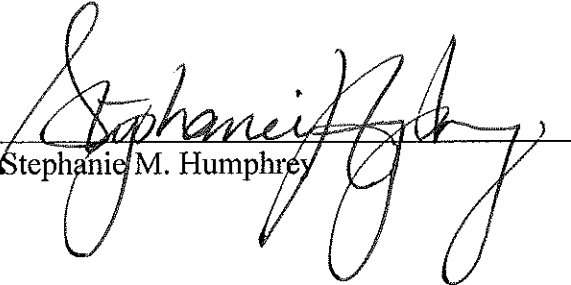

Stephanie M. Humphrey

EXHIBIT 1

D.P. Van Blaricom

Report of Plaintiff's Police Practices Expert

**Plaintiff's Designation of Expert Witnesses
(Filed 05/02/08)**

**DEHAAN v. ROCKVAM, ET AL.
Civil Action No. 07-CV-0257-J**

D. P. VAN BLARICOM, Inc.

MPA, FBI-NA, CHIEF OF POLICE (RET.)

POLICE PRACTICES EXPERT

835 - 91ST LANE N.E.

BELLEVUE, WASHINGTON 98004-4811

(425) 453-0082 FAX (425) 453-3263 E-Mail dvbinc@aol.com

SUMMARY of QUALIFICATIONS

- A. Retained as a police practices expert by both plaintiffs and defendants in over **1,400** lawsuits alleging police liability throughout Canada and the United States: AK, AL, AZ, CA, CO, DC, DE, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MI, MN, MO, MS, MT, ND, NE, NJ, NM, NV, NY, OH, OK, OR, PA, SC, SD, TX, UT, VA, WA, WI and WY.
- B. Testified in hundreds of depositions, federal court trials, state court trials and arbitrations.
- C. Prevailing parties' police practices expert in published appellate decisions from the United States 1st, 6th, 8th, 9th and 10th Circuits; State Supreme Courts of AZ, CO, ID, MT, MS, OR and WA; Appeals Courts of AZ, CA, FL and WA.
- D. Recognized as an expert on the issues of:
 - 1. **POLICE USE of FORCE** (plaintiff's expert in leading 9th Cir. Davis v. Mason County, WA 1991, a consultant to federal prosecution task force in United States v. Koon, et al. 1993, a plaintiff's expert in Rodney King v. City of Los Angeles, CA 1994, defendants' expert in 1st Cir. Roy v. City of Lewiston, ME 1994, defendants' expert in WA App. Lee v. City of Spokane, WA 2000, plaintiff's expert in 9th Cir. Haugen v. City of Puyallup, WA 2003, plaintiff's expert in 9th Cir. Wilkins v. City of Oakland, CA 2003, plaintiff's expert in 9th Cir. Marsall v. City of Portland, OR 2004, plaintiff's expert in 8th Cir. Craighead v. City of St. Paul, MN 2005 and plaintiff's expert in 9th Cir. Davis v. City of Las Vegas, NV 2007);
 - 2. **LESS-LETHAL ALTERNATIVES to DEADLY FORCE in BOTH EQUIPMENT and TACTICS** (plaintiff's expert in 9th Cir. Reed v. Hoy 1989, and ID S.Ct. Kessler v. Payette County and State of ID 1997);
 - 3. **POLICE K-9s as USE of FORCE** (quoted in Deadly Force: What We Know 1992 and plaintiff's expert in FL App. Pacot v. Wheeler 2000);
 - 4. **CONTROL of POLICE VEHICULAR PURSUIT and EMERGENCY DRIVING** (my policy was recommended by the Public Risk and Insurance Management Association of Washington, D.C. as being among the 4 best in the United States 1984, quoted by 2 CA App. Payne v. City of Perris 1993 and Berman v. City of Daly City 1993, OR S.Ct. Lowrimore v. Marion County 1990, MS S.Ct. Mosby v. Jeffries 1998, CO S.Ct. Tidwell v. City & County of Denver 2003 and WA App. Brooks v. City of Washougal 2007);
 - 5. **POLICE ADMINISTRATION and POLICY**;
 - 6. **POLICE PRACTICES, PROCEDURES and STANDARDS of CARE** (plaintiff's expert in 9th Cir. Gulliford v. Pierce County 1998, defendant's expert in 6th Cir. Carter v. City of Detroit

2005, defendant's expert in 9th Cir Hall v. Hughes 2007 and defendant's expert in 9th Cir. Tensley v. City of Spokane 2008);

7. **SPECIAL DUTIES to PROTECT and 911 RESPONSES** (plaintiffs' expert in WA S.Ct. Bailey v. Town of Forks 1987 and Roy v. City of Everett 1992, AZ S.Ct. Hutcherson v. City of Phoenix 1998, MT S.Ct. Nelson v. Driscoll 1999, leading 9th Cir. Wood v. Ostrander 1988 and 9th Cir. Kennedy v. City of Ridgefield 2005);
 8. **DOMESTIC VIOLENCE** (quoted by the National Law Enforcement Policy Center in their model policy 1991 and plaintiff's expert in 9th Cir. Beier v. City of Lewiston 2004);
 9. **POLICE RESPONSE to the MENTALLY ILL** (plaintiff's expert 9th Cir. Gibson v. Washoe County 2002, US MD PA Schorr v. Borough of Lemoyne 2003 and Herrera v. City of Las Vegas 2004);
 10. **CIVIL RIGHTS VIOLATIONS** (under 42 U.S.C. § 1983);
 11. **EXCITED DELIRIUM and RESTRAINT ASPHYXIA** (plaintiff's expert in 10th Cir. Cruz v. City of Laramie 2001 and AZ App. Oscielowski v. City of Benson 2003);
 12. **POLICE INTERNAL INVESTIGATION and DISCIPLINE**;
 13. **DISCRIMINATORY ENFORCEMENT or EMPLOYMENT PRACTICES**;
 14. **AMERICANS with DISABILITIES ACT** (plaintiff's expert in 10th Cir. Davoll v. City of Denver 1996, 9th Cir. Cripe v. City of San Jose 2001 and US MD PA Schorr v. Borough of Lemoyne 2003);
 15. **POLICE COLLECTIVE BARGAINING**;
 16. **FIREARMS** (USMC trained small arms repair MOS 2111 and police firearms instructor); and
 17. **PRIVATE SECURITY PRACTICES** (plaintiff's expert in US WD WA Groom v. Safeway).
- D. Served 29 years in municipal policing with the last 11 as Chief of Police (until retirement and election to the City Council) in Bellevue, Washington - the State's then fourth largest and fastest growing city.
- E. Directed development of a progressive police department and created several model programs, including: control of vehicular pursuits, alternatives to deadly force, fully integrated emergency response team operations, domestic violence reduction, affirmative action employment of minorities and women, comprehensive crime prevention, lateral recruitment of experienced officers, police canine operations, multi-city narcotics unit and others. Additionally, co-authored the Washington State Standards on Internal Discipline of Law Enforcement agencies.
- F. Served on many professional commissions and committees, including: Washington Criminal Justice Education & Training Center Steering Committee, Bellevue Community College Local Advisory Council and Chairman Law Enforcement Program Advisory Board, Washington Attorney General's Committee on Security and Privacy, consultant to U.S. Department of Justice Community Relations Service, consultant to the National Consultation on Safety and Force, intern with 94th Congress, Governor's appointee to Community Task Force for Corrections Development, Washington State Council on Crime & Delinquency's Adult Criminal Policy Committee and Ad Hoc Committee on Board of Prison Terms/Paroles, Youth Eastside Services Board of Trustees, Eastside Community Mental Health Center Advisory Board, King County Executive's appointee to E911 Task Force, U.S. Attorney's Law Enforcement Coordinating Committee, Governor's appointee to Select Committee for Police/Fire Pension Review, IACP's Education & Training Committee, IACP's Organized Crime Committee, Assessor Team Leader for

1 of 5 Pilot Projects of the Commission on Accreditation for Law Enforcement Agencies, Governor's appointee to the Emergency Commission on Prison Overcrowding, IACP book reviewer, Suburban Cities Association's Jail Advisory Committee, Governor's Advisory Group on Personal Harassment, Portland, Oregon Chief's Committee on Police Use of Force. Assisted the appointing authorities at various times in selecting Chiefs of Police for Cities of Longview, Everett, Bellingham, Richland, Bremerton, Kirkland, Redmond, Clyde Hill, Kent (1991), Bellevue (1996) a Sheriff of King County and the Security Administrator of Seattle City Light (all in the State of Washington), King County Regional Justice Center Citizens Site Advisory Committee, Solutions To Tragedies of Police Pursuits Advisory Board, Superintendent of Public Instruction's Washington State Safe Schools Advisory Committee, King County Civil Rights Commission, Voices Insisting on Pursuit Safety.

G. Hold a security clearance from the U. S. Government.

H. Maintain an extensive and current library of standards, policies, procedures, references, depositions and information on other experts with subscription services to update professional and legal developments in my areas of expertise.

EDUCATION and CERTIFICATION

University of Washington - Bachelor of Arts degree with magna cum laude honors 1973

Seattle University - Master of Public Administration degree 1976

University of Washington – Certificate in Forensics 2000

Americans for Effective Law Enforcement – Certified Police Litigation Specialist 2003

Graduate of the FBI's National Academy and Law Enforcement Executive Development programs

CONTINUING TRAINING

Police Civil Liability AELE 1987, Deadly Force and the Police Officer NWU 1987, Police Liability for Policies and Practices AELE 1988, PR-24 Side Handle Baton BPD 1988, Police Civil Liability AELE 1989, Sexual Harassment and the Consequences FS 1989, Wrongful Discharge RIMS 1989, Police Practices and Use of Expert Witnesses AELE 1989, Expert Witnesses, Litigation Consultants and Attorneys NFS 1989, Police Discipline and Labor Problems AELE 1990, Assessment Center Selection Process HRA 1991, Rodney King Incident and Policing SWLEI 1992, Role of Expert Witnesses in the 1990's SEAK 1992, Critical Liability Issues AELE 1992, Pursuit Driving and Managing Use of Force ILM 1992, AFIS Live ID HP 1993, Police/Medical Investigation of Death IACP 1993, Medical Records Review for the Legal Professional PES 1994, Developing Policies, Procedures and Rules NLEPC 1994, Civil Rights Trial Advocacy ATLA 1994, Family Violence and Police Policy SLEI 1995, Investigation of Excessive Force Incidents IACP 1995, Police Civil Liability and Defense of Misconduct Complaints AELE 1996, Use of Force and Pursuit Driving Policies SLEI 1996, Critical Incident Dispatching NWU 1996, Police Officer Survival Tactics NWU 1997, Police Civil Liability AELE 1998, Criminal Justice WSBA 1999, Critical Incident Trauma and Legal Survival CP 1999, Traffic Stops and Racial Profiling PI 2001, Racial Profiling NWU 2001, Police Liability LES 2002, Cap-Stun ZARC 2002, Masters in Trial ABOTA 2002, Discipline and Internal Investigations AELE 2003, Critical Incident Response Management and Liability AELE 2003, Police Civil Liability AELE 2003, Police-Involved Shooting Reconstruction NWU 2004, Police Liability AELE 2005, Police

Misconduct Litigation SULS 2005, Shooting Reconstruction AAFS 2005, Use of Force TASER 2006, Lethal and Less-Lethal Force AELE 2006, TASER AAFS 2006, Excited Delirium SPD 2007, Winning Extreme Encounters from Street to Court FSRC 2007, Sudden Death, Excited Delirium & In-Custody Death IPICD 2007.

TEACHING and TRAINING EXPERIENCE

Taught law enforcement courses at the Bellevue Police Academy, Washington Criminal Justice Education and Training Center, Bellevue Community College, Seattle University, Northwestern University's Traffic Institute and International City Management Association's Training Institute. Lectured on police-related issues before the University of Washington School of Law and Graduate School of Public Affairs, Simon Fraser University, American Civil Liberties Union, Washington State Bar, Seattle-King County Bar, Washington State Court Administrators, Washington Association of Legal Secretaries, American G. I. Forum, United States Justice Department Community Relations Service, National Institute of Law Enforcement and Criminal Justice, U. S. Attorney General's Task Force on Family Violence, Montana Department of Social and Rehabilitation Services, Washington Advisory Committee to the U.S. Commission on Civil Rights, American Society of Criminology, debated California Highway Patrol Commissioner on police pursuit before National Association of Police Planners and International Association of Police Planning and Research Officers in 1990, Labor Relations Information System, City of Bellevue's Management Certificate Training Program, lectured for Association of Trial Lawyers of America's Civil Rights Section and the National College of Advocacy on excessive force from the expert's perspective in 1994 and domestic violence litigation liability arising from failure of prevention and response in 1995, lectured on loss prevention civil liability to Nordstrom Washington/Alaska Region in 1997, demonstrated expert witness testimony to the American Board of Trial Advocates in 2002. Additionally, served on the Law Enforcement Education Advisory Committee to the Washington State Board for Community College Education in developing their statewide curriculum, achieved the first college accreditation of a Basic Law Enforcement Academy in the State of Washington and currently serve of the Bellevue Community College Administration of Criminal Justice Program Advisory Board, testified before the California State Senate on police vehicular pursuit in 2005, testified before the City of Oakland Citizens' Police Review Board on police vehicular pursuit policy in 2007.

PUBLICATIONS

"Recruitment and Retention of Minority Race Persons as Police Officers" in September 1976 issue of The Police Chief magazine, "An Overview of Police Service Today" in the April 18th and May 2nd, 1978 issues of Law Enforcement News, "Kids Meet Cops Through Basketball Trading Card Program" in the July 9th, 1979 issue of Law Enforcement News, "A Police Chief's View of Deadly Force" in the National Institute of Law Enforcement & Criminal Justice January 1979 booklet on Police Use of Deadly Force, "Career Development: The Next Step to Police Professionalism" in the November 1979 issue of The Police Chief magazine, "Crime Prevention Cuts Insurance Cost" in the August 1980 issue of Center City Report, "A Sensible Alternative to Those High-Speed Chases" in the November 25, 1980 issue of The Seattle Times, "Chiefs Should Chase Sane Pursuit Driving Guidelines" in the December 22, 1980 issue of Law Enforcement News, "Commercial Crime Prevention Can Earn Discounts" in the February 1981 issue of the FBI Law Enforcement Bulletin, "Enforcing Malicious Harassment Laws" in the January 1983 edition of Washington Council on Crime

and Delinquency News, "Reducing Crime, Traffic Accidents - Bellevue Shows It Can Be Done" in the May 10, 1983 issue of The Seattle Times and the June 27, 1983 issue of Law Enforcement News, "Carrying A Gun - It Depends On You" in the February 3, 1985 issue of the Journal-American, "When To Use Deadly Force" in the Winter 1985 issue of the Washington Law Enforcement Executive Journal, "Domestic Violence - A New Approach to an Old Problem" in the June 1985 issue of The Police Chief magazine, "It's Time for Police To Re-Examine Their Role In Society" in the October 1, 1989 issue of The Seattle Times, "Shaking The Pillars of Police Tradition" in the October 31, 1989 issue of Law Enforcement News, "Training-The First Hundred Years" in Law Enforcement In Washington State: The First Hundred Years 1889-1989, "K-9 Use of Force: A Biting Example of Questionable Policy" in the July/August 1992 issue of Law Enforcement News, "Police Pursuit: Uncontrolled Deadly Force" in the February 28, 1993 issue of Law Enforcement News, Bulletin Alert on a "Hair-raising Comb" in the June 1994 issue of the FBI Law Enforcement Bulletin, "Excessive Force - The Expert's Perspective" in the Association of Trial Lawyers of America July 1994 Annual Convention Reference Materials Volume I, "Domestic Violence Litigation: Liability Arising from Failure of Prevention and Response" in the Association of Trial Lawyers of America July 1995 Annual Convention Reference Materials Volume I, "Shades of Blue: What White Police Officers Can - and Must - Learn from Minority Officers" in the January/February 1996 of the Police Executive Research Forum's Subject to Debate, "Doing Something About Excessive Force" in the January 15, 1998 issue of Law Enforcement News (republished by San Diego State University 2003), "The Consistent Law Enforcement Expert" in the November/December 1998 issue of The Forensic Examiner, "To Pursue or Not to Pursue: THAT is the Question" in the November 1998 issue of Police, "Handling the Mentally Ill" in the March 2000 issue of Police, "Building a Bridge" in the September 30, 2000 (25th Anniversary) issue of Law Enforcement News, "The Media: Enemies of Allies?" in the April 2001 issue of The Police Chief, "Control of Police Vehicular Pursuit" in the 2004 (1) issue of the Law Enforcement Executive Forum, "Preventing Officer-Involved Deaths of the Mentally Ill" in the Third Quarter 2004 issue of The Law Enforcement Trainer, "Suicide-by-Cop" in the September-October 2006 issue of American Cop, "Police Response to Excited Delirium", in the January 2008 issue of the IADLEST Newsletter.

NATIONAL TELEVISION and RADIO APPEARANCES

NBC Nightly News special report on the dangers of police vehicular pursuit.

NBC Today Show:

1. Personal protection against criminal attack;
2. Misuse of pepper spray to punish.

NBC "You Be The Judge" on the dangers of police vehicular pursuit.

NPR "Cops and the Mentally Ill".

CKNW World Today:

1. TASER;
2. Restraint asphyxia.

QUOTED in MAJOR NEWSPAPERS

USA Today, Wall Street Journal, The New York Times, The Baltimore Sun, Los Angeles Times, San Francisco Chronicle, The Seattle Times, The Oregonian, Toronto Sun, The Virgin Island Daily News, The Tennessean, Christian Science Monitor, Milwaukee Journal Sentinel, Vancouver (B.C.) Sun.

PROFESSIONAL MEMBERSHIPS

American Academy of Forensic Sciences (AAFS), International Association of Chiefs of Police (IACP) - Life Member, Americans for Effective Law Enforcement (AELE), FBI National Academy Associates, Washington Association of Sheriffs & Police Chiefs (WASPC) - Life Member, International Association of Directors of Law Enforcement Standards and Training (IADLEST), Police Marksman Association (PMA).

AWARDS

USMC Expert Rifleman 1953-1956, FBI "Possible Club" 1970 (of the 19,130 police officers who attended the FBI National Academy during the 50 years from when it started to the year of my retirement in 1985, I was 1 of only 165/0086% who fired a perfect score on the PPC or TRC), Appreciation from the Drug Enforcement Administration 1977, Outstanding Community Service from Bellevue Jaycees 1979, Human Rights (Implementing Law and Order with Justice) from Baha'i Communities of Bellevue and Eastside 1980, Youth Service from the Chief Seattle Council of the Boy Scouts of America 1983, Program Innovation from the King County Domestic Violence Coalition 1983, Support and Service from Bellevue Cadet Squadron Auxiliary USAF 1984, Law Enforcement Appreciation from the Puget Sound Chapter of the American Society for Industrial Security (presented by the Governor of the State of Washington) 1984, Outstanding Volunteer Service from the Salvation Army 1984, Outstanding Service as a Public Official Citizenship Award from the Bellevue Kiwanis Club 1985, Appreciation from the United States Secret Service 1986, **Award for Public Service from The U.S. Department of Justice 1986**, Recognition for 30 Years of Public Service from the City of Bellevue 1986, Recognition and Commendation Resolution by the Municipality of Metropolitan Seattle 1988, Appreciation for Service from the Woodland Park Zoo Bond Oversight Committee 1990, Appreciation for Service from the King County Executive 1992, Appreciation for Personal Contribution to Developing Bellevue Convention Center from the City of Bellevue 1993, Outstanding Support of the Arts (jointly with wife) from the City of Bellevue Arts Commission 1993, Commendation for Outstanding Service from the City of Bellevue 1997.

D. P. VAN BLARICOM, Inc.
MFA, FBI-NA, CHIEF OF POLICE (RET.)
POLICE PRACTICES EXPERT
835 91st LANE NORTHEAST
BELLEVUE, WASHINGTON 98004-4811
(425) 453-0082 FAX (425) 453-3263 E-Mail dvblaric@aol.com

**COMPLIANCE WITH FEDERAL RULE OF PROCEDURE 26 (a) (2) (B)
TESTIMONY AT TRIAL OR DEPOSITION FOR PRECEDING 4 YEARS**

99-843 *Treloar v. Custer County*, 7th Judicial Circuit SD 99-016, testified at trial 6/24/03;

00-860 *Mendez v. Los Angeles County*, US Central District CA CV98-4047 CM (CWx),
gave deposition 8/22/03 & testified at trial 10/15/03;

00-890 *Thomas v. City of Detroit*, US Eastern District MI Southern Division 00-72899,
gave deposition 9/12/02;

01-913 *Williams v. Jerome County*, US District ID CIV 02-0375-S-EJL, gave deposition
12/4/03;

01-944 *Flanary v. City of Kelso*, US District Western WA C03-5092RBL, gave
deposition 12/28/04 & testified at trial 4/27/05;

01-947 *Sonntag v. City of Spokane*, US District Eastern WA CS-01-0033-WFN, testified
at trial 3/13/02;

01-953 *Beier v. City of Lewiston*, US District ID CV99-244-N-EJL, testified at trial
9/14/04;

01-959 *Carter v. City of Detroit*, US Eastern District MI Southern Division 01-71847,
gave deposition 9/12/02;

01-960 *Harbin v. City of Detroit*, US Eastern District MI Southern Division 01-73259,
gave deposition 9/12/02;

01-961 *Washington v. City of Detroit*, US Eastern District MI Southern Division 01-
71848, gave deposition 9/12/02;

01-966 *Wilkins v. City of Oakland*, US Northern District CA C 01-1402 MMC, gave
deposition 2/28/06;

02-971 *Holloway v. Leeper*, Sheridan County, NE CI 01-26, gave deposition 7/11/02;

02-975 *Lowery v. City of Portland*, US District OR CV 01 1014 ST, testified at trial 9/24
& 25/03;

02-976 *Kinkele v. City of Anacortes*, US Western District WA C03-2559L, gave deposition 4/26/04;

02-985 *Isaacson v. Pierce County*, Pierce County, WA 03 2 061986, gave deposition 2/4/04;

02-986 *Hunt v. Whitman County*, US District Eastern WA CS-03-0119-FVS, gave depositions 4/14/05 & 9/13/05;

02-990 *Brown v. City of Chicago*, US Northern District IL Eastern Division 98 C 7949, gave deposition 5/13/05;

02-993 *Bailey/Carsey (consolidated) v. Town of Wilkeson*, Pierce County, WA 99-2-08030-6, gave deposition 9/2/03 & testified at trial 11/6/03;

02-1001 *Parris v. State of WA*, Spokane County, WA 02-2-07367-5, gave deposition 5/27/04 & testified at trial 10/4/04;

02-1026 *Blanford v. Sacramento County*, US Eastern District CA CIV-S-01-2068 GEB GGH, gave deposition 6/30/03;

02-1030 *Yellowhair v. City of Tempe*, US District AZ CIV 00-0374-PHX-SMM, gave deposition 4/16/03;

02-1031 *Perez v. City of Long Beach*, Los Angeles County CA, gave deposition 12/2/03 & testified at trial 12/9/03;

03-1034 *Howard v. City of Shreveport*, US Western District LA CV-01-2303, testified at trial 5/20/04;

03-1038 *Hudgins v. City of Albany*, US District OR 02-6040-TC, testified at trial 5/9/05;

03-1039 *Kapanak v. City of Phoenix*, Maricopa County, AZ CV 2001-012136, gave deposition 8/29/03 & testified at trial 12/15-16/05;

03-1041 *Parker v. City of North Las Vegas*, US District NV CV-S-00-1118-RLH-RJJ, testified at trial 1/26/04;

03-1044 *Morgan v. King County, King County*, WA 02-2-03793-3KNT, testified at trial July 28-29, 2003;

03-1045 *Sutton v. MS Highway Patrol*, US Southern District MS 3:02CV478LN, testified at trial 2/10/04;

03-1051 *Ramirez v. City of Phoenix*, US District AZ CIV 02 1904 PHX DKD, gave deposition 9/8/03 & testified at trial 5/5/05;

03-1055 - *Kanae v. Hawaii County*, US District HI 02-00399 SOM/LEK, gave deposition & videotape trial testimony 11/13/03;

03-1061 *Bishop v. City of Inglewood*, Los Angeles County, CA YC 042754, gave deposition 6/9/03 & testify at trial 11/12/03;

03-1063 *Gregory v. Maui County*, US District HI CV 04-0051416 SPK KSC, gave deposition 11/29/05 & 1/13/06;

03-1065 *Replinger v. Maricopa County*, Maricopa County, AZ CV2003-011295, testified at trial 8/15/05;

03-1068 *Esparza v. Los Angeles County*, Los Angeles County, CA VC 036746, gave deposition 8/22/03 & testified at trial 9/18/03;

03-1069 *Lehman v. City of Gresham*, US District of OR CV 03 327, testified at trial 3/2/05;

03-1071 *Lehman v. City of Reno*, US District NV CV-N-02-0651-ECR-RAM, gave deposition 2/25/04;

03-1079 *Fakhry v. City of Corona*, US Central District Eastern Division CA CV02-4777 JFW (Shx), gave deposition 10/24/03 & testified at trial 10/6/04;

03-1080 *Arnold/Logan v. City of Pullman*, US Eastern District WA CS-04-0214-FVS, gave deposition 1/31/06 & testified at trial 1/10/07;

03-1082 *Duran v. Town of Cicero*, US Northern District Eastern Division IL 01 C 6858, gave deposition 10/10/03;

03-1084 *Byrd v. City of Long Beach*, Los Angeles County NC 031823, gave deposition 2/23/04 & testified at trial 3/23/04;

03-1085 *Sanduhl v. Klickitat County*, US Eastern District WA CY-03-3083-LRS, gave deposition 9/22/04;

03-1086 *Ashley v. City of Seattle*, King County, WA 05-2-04447-1SEA, gave deposition 8/15/06 & testified at trial 1/9/07;

03-1088 *Stuter v. Stevens County*, US Eastern District WA CS-02-0266-JLQ, gave deposition 2/5/04;

03-1090 *Gilbert v. Maui County*, US District HI CV 03-00489 HG BMK, gave deposition 6/25/04 & testified at trial (live video) 4/5/06;

03-1106 *Singleton v. Charleston County*, Charleston County, SC 2004-CP-10-678, gave deposition 8/21/05;

03-1108 *Jolley v. Town of Lovell*, US District WY 03-CV-1061B, gave deposition 8/24/04;

03-1109 *Green v. City of Cleveland*, US Northern District Eastern Division OH 1:03CV0906, gave deposition 5/6/04;

03-1111 *Reeves v. Churchich*, US Central District UT 2-01-CV 176, gave deposition 3/15/04;

04-1116 *McDaniel v. City of Aberdeen*, US Western District WA C03-5306RJB, gave deposition 4/6/04;

04-1118 *Waterman v. State of WA*, Snohomish County, WA 04-2-09517-2, gave deposition 10/11/05 & testified at trial 11/9/05;

04-1119 *Bledsoe v. Jefferson County*, US Western District WA CV 03-5002 RJB, gave deposition 6/23/04;

04-1124 *Boyer v. City of Albuquerque*, US District of NM CV 03-997 JB/WDS, gave deposition 4/1/05;

04-1126 *Gutierrez v. City of Tolleson*, US District AZ CIV 03-1808-PHX-RHC, gave deposition 9/20/04;

04-1127 *Venturelli v. Anaconda-Deer Lodge County*, Anaconda-Deer Lodge County DV-02-69, gave deposition 9/23/04;

04-1128 *Laedeke v. City of Billings*, US District MT CV 02-85-BLG-RWA, testified at trial 12/14/05;

04-1129 *Drypen v. Oakland County*, US Eastern District MI Southern Division 03-74161, gave deposition 1/5/05;

04-1132 *Kemhel v. City of Kent*, King County, WA 03-2-24712-O KNT, gave deposition 12/6/04 & testified at trial 6/14/05;

04-1133 *Bucher v. Toole County*, Butte-Silver Bow County, MT DV-03-129, gave deposition 1/19/05;

04-1136 *Porter v. City of Auburn*, US Western District WA C03-2662, gave deposition 7/13/04;

04-1137 *Shellbe v. City of West Linn*, US District OR 03-CV-274-RE, testified at trial 10/12/04;

04-1138 *Hepner v. Washoe County, NV*, US District NV, CV-N-03-0618-ECR-RAM, gave deposition 5/1/07;

04-1139 *Kerns v. USA*, US District AZ CV'04 1937 NVW, testified at trial (by video) 12/12/06;

04-1140 *Oziwo v. Town of Paradise Valley*, US District AZ CV-03-1793 PHX MHM, gave deposition 8/17/04;

04-1143 *Pickens v. City of Austin*, US Western District TX A-04-CA-340-LY, gave deposition 12/1/05 & testified at trial 1/25/06;

04-1146 *Curtis v. Pima County*, Pima County, AZ C2004-4354, gave deposition 3/9/06 - 6/5/06 & testified at trial 8/17/06;

04-1147 *Ali v. City of Louisville*, US Western District KY 3:03CV-427-R, gave deposition 2/11/05;

04-1148 *Berry v. City of Antioch*, US District Northern CA C02-3862CW, gave deposition 9/17/04;

04-1150 *Caudillo v. City of Phoenix*, Maricopa County, AZ CV 2002-004519, gave deposition 1/27/05 & testified at trial 5/24/05;

04-1153 *Ross v. Los Angeles County*, Los Angeles County TC 016365, gave deposition 9/21/04 & testified at trial 10/19/04, 10/21/04 & 3/16/05;

04-1155 *Johnson v. Pierce County*, Pierce County, WA 06-2-06365-7, gave deposition 2/26/07;

04-1156 *Brooks v. City of Washougal*, Clark County, WA 03-2-03935-1, gave depositions 9/16/05 & 4/14/06;

04-1157 *Weigel v. State of WY*, US District WY 04-CV-00355-J, gave deposition 6/16/05;

04-1160 *Mueller v. City of Tacoma*, Pierce County, WA 03-2-03603-5, gave deposition April 20, 2005;

04-1161 *Gardner v. City of Durango*, US District CO 03-F-1662 (BNB), gave deposition 12/3/04;

04-1162 *Vusquez v. City of Phoenix*, US District AZ CIV-04-0481-PHX-EHC/05-608-PHX-ROS, gave deposition 8/23/05 & testified at trial 11/3/06;

04-1163 *Adams v. City of Mission*, US Southern District TX M-03-092, testified at trial 1/25/05;

04-1165 *Ellis v. Snohomish County*, Snohomish County 03-2-12986-9, gave deposition 8/18/05;

04-1166 *Burke v. City & County of San Francisco*, San Francisco County, CA C-02-4311, gave deposition 9/17/04 & testified at trial 4/11/05;

04-1168 *Tangaro v. County of Hawaii*, US District HI 03-00211 DAE/LEK, gave 2 depositions 5/2/05 & testified at trial in *State v. Tangaro*, 3rd Circuit, HI 5/11/06;

04-1171 *Miller v. City of Sparks*, US District NV CV-N-03-0678-ECR-VPC, testified at trial 2/8/06;

04-1174 *English v. City of Casper*, US District WY 04-CV-176D, gave deposition 4/12/05 & testified at trial 11/2/05;

04-1175 *Thurman v. Kent County*, US Western District MI, 1:05-CV-0177, gave deposition 3/6/06;

04-1178 *Randle v. Klickitat County*, Klickitat County, WA 02-2-00065-2, gave deposition 2/9/05

04-1180 *Critchett v. City of Chandler*, Maricopa County, AZ CV2004-004389, gave deposition 7/19/06;

04-1181 *Murry v. Tiki Bob's*, King County, WA 05-2-05966-4SEA, gave deposition 1/18/07;

05-1188 *Scissons v. USA*, US District ID 03-0531-S-EJL, gave deposition 9/19/05 & testified at trial 10/19/06;

05-1189 *Byther v. City of Mobile*, US Southern District AL 04-0404-CG-B, gave deposition 4/25/05;

05-1190 *OCC v. Nelson*, City & County of San Francisco, CA Office of Citizen Complaints, testified at hearing 3/8/05;

05-1191 *Loomis v. City of Puyallup*, US Western District WA C02-5417 RJB, gave deposition 3/14/05;

05-1193 *Volk v. Pierce County*, US District Western WA C04-55315 RBL, gave deposition 6/2/05;

05-1197 *Kaina v. County of Maui*, US District HI, CV 04-00608 DAE/LEK, gave deposition 1/12/06;

05-1199 *Ballard v. State of Oregon*, Linn County 001570, testified at trial 3/17/05;

05-1201 *Police Pursuits*, CA State Senate, testified at hearing 3/9/05;

05-1202 *Harrington v. City of Napa*, US Northern District CA C04 0958 JSW, gave deposition 4/21/05 & testified at trial 8/16/05;

05-1203 *Mehlberg v. City of Henderson*, US District NV CV-S-04-0837-HDM-RJJ, gave deposition 5/20/05;

05-1204 *Garcia v. City of Las Vegas*, US District NV CV-S-03-1247 RLH-PAL, gave deposition 6/3/05;

05-1206 *Pipkin v. Burlington Northern & Santa Fe Railway*, US District Western WA C04-5591 RJB, gave deposition 8/9/05;

05-1207 *Rohm v. State of MI*, US District Western MI 1:04-CV-552, gave deposition 10/13/05;

05-1208 *Armstrong v. Kitsap County*, US District Western WA 04-5461 RBL, gave deposition 7/31/06;

05-1213 *Buchanan v. Walla Walla County*, US District Eastern WA CV 04-5136-AAM, gave deposition 9/27/05;

05-1214 *Nawrocki v. City of Dearborn Heights*, US Eastern District MI 04-CV-74869-DT, gave deposition 8/29/05;

05-1217 *Aderle v. City of Culver City*, Los Angeles County, CA BC320803, gave deposition December 9, 2005;

05-1218 *Bolio v. City of Phoenix*, Maricopa County, AZ CV2002-024936, gave deposition May 4, 2006;

05-1221 *Simpson v. City of Orting*, US District Western WA C04-5302FDB, gave deposition 8/8/05;

05-1222 *Gonzalez v. Pierce County*, US District Western WA C04-5303 RJB, gave deposition 5/20/05;

05-1223 *Bundy v. City of Tacoma*, US District Western WA C04-5535 FDB, gave deposition 7/18/05;

05-1226 *Yellow Boy v. City of Rapid City*, 7th Circuit of SD 01-832, gave deposition 8/5/05 & testified at trial 9/20/05;

05-1229 *Patric v. City of Austin*, US Western District TX A-05-CA-022LY, gave deposition 11/30/05 & testified at trial 2/15/06;

05-1230 *Knight v. City of Phoenix*, Maricopa County, AZ CV 2004-007325, gave deposition 8/24/05;

05-1231 *Glassburn v. Thurston County*, Mason County, WA 05-2-00293-3, gave deposition 7/13/06;

05-1236 *Gagner v. Lamb Estate*, Thurston County, WA 04-2-01994-7, gave deposition 9/8/05;

05-1240 *Thornton v. State of MI*, Lenawee County, MI 04-1749-NZ, gave deposition 6/2/06;

05-1243 *Howell v. City of Prescott*, US District AZ CIV-04 2280 PCT FJM, testified at trial 4/26/06;

05-1246 *Reed v. City of Long Beach*, Los Angeles County, CA NC 036292, gave deposition 9/29/05 & testified at trial 10/5/05;

05-1252 *Castaneda v. Douglas County*, US District NV CV-N-05-0283-HDM-RAM, gave deposition 3/10/06;

05-1253 *Stiffarm v. City of Pullman*, US Eastern District WA CV 044-0414-EFS, gave deposition 12/22/05;

05-1258 *Hayden v. City of Lake Oswego*, US District OR 05-00460-PA, testified at trial 12/7/05;

05-1263 *Butler v. Thurston County*, Mason County, WA 04-2-01099-7, gave deposition 2/11/06;

05-1264 *Butler v. Vermilion County*, US Central District IL 04-CV-2048, gave deposition 3/16/06;

05-1266 *Larrigan v. City of Glendale*, Los Angeles County, CA EC038890, gave deposition 1/10/06;

06-1268 *Tubar v. City o Kent*, US District Western WA C05-1154 JCC, gave deposition 7/6/06;

06-1271 *Beaupre v. Pierce County*, King County, WA 04-2-23610-0 SEA, gave deposition 3/8/06;

06-1276 *Akpik v. North Slope Borough*, AK 2nd Judicial District Barrow, gave deposition 6/9/06;

06-1282 *Brown v. Carson City*, US District NV at Reno CV-N-04-0109-LRH-VPC, testified at trial 3/30/06;

06-1283 *Coffelt v. City of Glendale*, US District AZ CV 04-1384-PHX-JWS, gave deposition 1/24/07;

06-1289 *Marino v. Santa Clara County*, Santa Clara County, CA 1-05-CV-038539, gave deposition 3/7/07;

06-1290 *Wilder v. Black Hawk County*, Black Hawk County, IA LACV095184, gave deposition 6/15/06;

06-1295 *Yanez v. City of Bullhead City*, US District AZ CV 05-4180-PCT-MHM, gave deposition 12/11/06;

06-1304 *Gibbons v. Las Vegas Metro*, US District NV CV-S-05-0728-RCJ-RJJ, gave deposition 12/1/06;

06-1312 *Cain v. City of St. Johns*, US District AZ CIV-05-1659-PCT-SMM, gave deposition 11/27/06;

06-1317 *Passmore v. City of Spokane*, Spokane County, WA 06-2-00775-6, testified at trial 2/28/07;

06-1325 *Grundhauser v. Lewis*, US District WY 06-CV-118-J, gave deposition 4/25/07;

06-1326 *Parris v. City of Kansas City*, US Western District MO 4:06-cv-00097-SWH, gave deposition 1/19/06;

06-1332 *Martinez v. City of Oxnard*, US Central District CA CV 98-9313, gave deposition 3/23/07 & testified at trial 4/11/07;

07-1334 *Howard v. City of Winslow*, Navajo County, AZ CV20050533, gave deposition 4/19/07;

07-1339 *Beardsley v. City of North Las Vegas*, US District NV CV-S-05-0549-RLH-
LRL, gave deposition 3/5/07;

07-1341 *Kinkle v. Marshall County, MS*, US northern District MS 3:06CV73-B-A, gave
deposition 4/30/07.

TOTAL TESTIMONY
4 Years Preceding May 22, 2007

D.P. VAN BLARICOM, Inc.
POLICE PRACTICES EXPERT
835 - 91ST LANE N.E.
BELLEVUE, WASHINGTON 98004-4811
(425) 453-0082 FAX 453-3263 E-Mail dvbinc@aol.com

SCHEDULE OF FEES FOR SERVICES

Retainer	\$ 2,000.00
Hourly	\$ 315.00
Daily	\$ 3,150.00
Deposition:	\$ 2,000.00
Expenses	Actual

D.P. VAN BLARICOM, Inc.
MPA, FBI-NA, CHIEF of POLICE (Ret)
POLICE PRACTICES EXPERT
835 – 91ST lane N.E.
Bellevue, Washington 98004-4811
(425) 453-0082 FAX 453-3263 E-Mail dvbinc@aol.com

Federal Rule 26 (a) (2) (B)
PRELIMINARY REPORT OF PLAINTIFF'S POLICE PRACTICES EXPERT
April 25, 2008

1. My name is D.P. Van Blaricom and I make this report on behalf of plaintiff in the matter of ***Dehaan v. City of Cody, et al.*** under my file 08-1444.
2. My law enforcement career has spanned over fifty-one years of active employment to date:
 - a. Twenty-nine years of continuous police service, during which I was the Chief of Police of Bellevue, Washington for the last eleven of those years;
 - b. Thereafter, I have been engaged as a police practices consultant for an additional twenty-two years.
3. A detailed statement of my qualifications, experience, training and a list of all of my publications are attached hereto as Exhibit "A". Both my fee schedule for services and a list of my deposition and trial testimony for the preceding four years are attached hereto as Exhibits "B" and "C" respectively. My areas of expertise in the police arts and sciences include but are not limited to: use of force; police administration, policies, practices, procedures and standards of care; internal investigation and discipline. As a police practices expert, I have testified in state and federal courts for both plaintiffs and defendants throughout the United States.
4. Stephanie M. Humphrey retained me on April 8, 2008 to review the facts and circumstances of the arrest of Rudolf Dehaan (plaintiff) by City of Cody Police Department (CPD) former-Sergeant Torin Chambers on October 29, 2004. At the time of making this report, I have discussed the matter with plaintiff's counsel and I have reviewed the following documents:
 - a. Notice of Claims;
 - b. Complaint;
 - c. Answers:
 - 1) Torin Chambers,
 - 2) Other Defendants;
 - d. Defendants' Self-Executing Discovery;
 - e. CPD reports 04-2727;
 - f. Plaintiff's medical records;
 - g. CPD Person Record of plaintiff;

h. International Association of Chiefs of Police (IACP) standard of care on "Use of Handcuffs" attached hereto as Exhibit "D".

5. This report is preliminary, as I will have to review additional documents that have not yet been produced and there is a filing deadline to be met.

7. It is my customary practice to evaluate the objective reasonableness of police conduct on a case-by-case basis from the perspective of a police reviewing authority. In conducting that evaluation I apply:

- a. My training and experience as a career police officer, who was required to apply handcuffs to arrestees and obtain medical treatment for injured prisoners in the performance of my law enforcement duties;
- b. My training and experience as a police supervisor, who was assigned to conduct internal investigations;
- c. My training and experience as a police supervisor and commander, who was assigned to train police officers on use of force and patrol procedures;
- d. My training and experience as a police supervisor and commander, who had to evaluate the performance of my subordinate police officers;
- e. My training and experience as a chief of police, who had to hire, train, assign, administer and, as may be necessary, discipline and/or terminate police officers;
- f. My training and experience as a chief of police, who had to develop and administer policies and procedures for directing police officers under my command;
- g. My training and experience as a chief of police, who had to review internal investigations and make the final administrative decision on whether to sustain or not sustain allegations of misconduct;
- h. My continuing training, as is supplemented by an ongoing review of professional publications, that addresses contemporary developments in my areas of expertise;
- i. Additionally, I have served as a police practices expert in 1,400+ matters of police-related litigation (see Exhibit "A"), wherein I have testified in deposition and/or at trial in hundreds of cases (see Exhibit "C") on whether or not a particular fact pattern was objectively reasonable under the totality of circumstances.

8. My use of certain terms (i.e. – "*reasonable suspicion*", "*probable cause*", "*objectively reasonable*", "*deliberately indifferent*", "*ratified*", etc.) merely reflects my training, in applying reasonable standards of care to police officers' conduct, and does not presume or imply a statement of any legal opinion.

9. Based upon my training, experience and a careful evaluation of the totality of circumstances in this matter, it is my considered opinion that the following facts are uncontroverted in the record:

- a. Plaintiff sustained a work-related "*non-displaced fracture*" of his right arm on October 12, 2004 and was placed in a cast;
- b. Former-Sergeant Torin Chambers arrested plaintiff on October 29, 2004 and was assisted therein by Officer Chan Richard;

- c. There is no evidence that plaintiff resisted arrest or was other than cooperative and he was not charged with resisting and/or obstructing;
- d. Officer Richard wrote a report of the incident but former-Sergeant Chambers did not;
- e. Plaintiff had a large cast on his right arm that precluded handcuffing;
- f. Nevertheless, handcuffing behind plaintiff's back was attempted and the prior fracture became "*displaced*";
- g. Plaintiff was transported and admitted to the Park County Detention Center, where he received no medical treatment;
- h. Plaintiff was transferred to the Big Horn County Jail on November 4, 2004 and, thereupon, received the requisite medical treatment that had not been provided to him for the preceding 6-7 days.

10. Based upon my training, experience and a careful evaluation of the totality of circumstances in this matter, it is my considered opinion that plaintiff was more probably than not subjected to objectively unreasonable excessive force. In reaching that conclusion I was specifically mindful of the following information from the record:

- a. All of the information previously described herein;
- b. Officers may use only that amount of force that is both necessary and reasonable;
- c. As a matter of police practice, officers are trained to detain and restrain a previously injured arrestee in such a manner as to not exacerbate the injury -- see Exhibit "D";
- d. Accordingly, it was objectively unreasonable to attempt handcuffing of a visibly injured and cooperative arrestee in such a manner as to caused a "*non-displaced*" fracture to become "*displaced*".

11. Based upon my training, experience and a careful evaluation of the totality of circumstances, it is my considered opinion that plaintiff was more probably than not unreasonably denied medical care. In reaching that conclusion, I was specifically mindful of the following information from the record:

- a. All of the information previously described herein;
- b. It is a fundamental police obligation and practice to provide needed medical treatment for any prisoner, who cannot obtain such aid for him/herself while being held in-custody, especially if the injury occurs during the police contact of making the arrest;
- c. Plaintiff allegedly heard an "*audible snapping*" of his right arm during his arrest;
- d. If plaintiff complained of his arm having been re-injured, he should have been transported directly to medical treatment instead of to jail;
- e. If plaintiff complained of his arm having been re-injured at the jail booking process, he should have been refused admittance until medical clearance was received;
- f. If, during plaintiff's incarceration at the Park County Detention Center for a period of 6-7 days, he continued to complain of his arm having been re-injured and/or there were obviously visible signs of post trauma (i.e. - swelling, discoloration), medical treatment for his injury

and relief from the accompanying pain was required to have been provided;

g. It is additionally significant that:

- 1) Plaintiff was provided necessary medical treatment upon his transfer to another jail,
- 2) Plaintiff's medical condition was unnecessarily worsened by the prolonged delay in providing necessary medical treatment for an injury that had occurred and was more probably than not known to the Park County Detention Center 6-7 days previously.

12. I am prepared to testify to these opinions in deposition or at trial, if called upon to do so.

13. If I am provided with further documentation for my review, I may have additional opinions.

/s/ D.P. VAN BLARICOM

EXHIBIT 2

Joseph F. Allegretto, M.D.

Report of Plaintiff's Medical Expert

**Plaintiff's Designation of Expert Witnesses
(Filed 05/02/08)**

**DEHAAN v. ROCKVAM, ET AL.
Civil Action No. 07-CV-0257-J**

CURRICULUM VITAE

NAME: Joseph F. Allegretto, M.D.

ADDRESS: 2501 Bluffs Ridge Drive
Gillette, WY 82718

PHONE: (H) 307-682-4280
(O) 307-682-6222

DATE OF BIRTH: 14 Aug. 63

PLACE OF BIRTH: Youngstown, Ohio

CITIZENSHIP: USA

CURRENT EMPLOYMENT: Thunder Basin Orthopaedics

FAMILY:

WIFE: Lori E. (Veronesi) Allegretto, R.N.

CHILDREN: Katherine T. Allegretto, DOB: 09 Feb. 91
Dominic V.S. Allegretto, DOB: 01 Nov. 93

EDUCATION AND TRAINING

Boardman High School, Boardman, Ohio
September 1977 through June 1981

University of Akron, Akron, Ohio
B.S. Degree in Biology and Chemistry, Summa Cum Laude
June 1981 through August 1983

NEOUCOM (Northeastern Ohio Universities' College of Medicine), Rootstown, Ohio
Medical Degree
August 1983 through May 1987

University of Pittsburgh School of Medicine
Department of Surgery, Pittsburgh, Pa.
General Surgery Internship
June 1987 through June 1988

University of Pittsburgh School of Medicine
Department of Surgery, Pittsburgh, Pa.
Orthopedic Surgery Residency
July 1988 through June 1992

LICENSURE AND CERTIFICATION

Pennsylvania (expired): MD 042580L

New Mexico (expired): NM 92-171

Wyoming (current): WY 5328A

National Board of Medicine Examination: 1988

American Board of Orthopedic Surgery: 1995

HONORS AND AWARDS

(High School):

Valedictorian, Boardman High School, 1981

Honor Roll 1978 through 1981

Bronze Hammer Award (1979) - Excellence in Wood Workmanship in Woodshop II

Silver Hammer Award (1980) – Excellence in Wood Workmanship in Woodshop III

Gold Hammer Award (1981) – Excellence in Wood Workmanship in Woodshop IV

President, National Honor Society (1980)

National Merit Scholar (1980)

George Brownlee Memorial Scholarship (1981): Outstanding Scholar – Athlete

Bausch and Lomb Award (1981): Outstanding Student in the Sciences

Renssalaer Polytechnic Award (1981): Outstanding Student in Mathematics

Department of Mathematics Award (1981)

Department of Physics and Sciences Award (1981)

(College):

Valedictorian, Akron University's BS/MD class (1983)

Dean's List 1981 through 1983

Phi Eta Sigma, Honor Fraternity 1982

All-American, second team, National Intra-mural Football

(Post-Graduate):

Graduated Top Twenty, NEOUCOM, Class 1987

Selected to Who's Who Among Rising Young Americans, 1991

Chief Resident, Orthopedic Surgery Services, 1991-1992

Selected to Strathmore's Who's Who in America, 2001-2003

Fellow of American Academy of Orthopedic Surgeons, 2004

HOSPITAL PRIVILEGES and APPOINTMENTS

(Residency, 1987-1992):

West Penn Hospital, Pittsburgh

Veteran's Administration Hospital, Pittsburgh

St. Margaret's Memorial Hospital, Pittsburgh

Allegheny General Hospital, Pittsburgh

Montefiore Hospital, Pittsburgh

University Children's Hospital, Pittsburgh

Mercy Hospital of Pittsburgh

Presbyterian – University Hospital of Pittsburgh

1992-1993: Lincoln County Memorial Hospital,
Sudderth Ave., Riudoso, New Mexico

1993-2000: Campbell County Memorial Hospital,
501 S. Burma Ave., Gillette, Wyoming

1993-1999: Johnson County Memorial Hospital
500 West Lott Street, Buffalo, Wyoming

1993-1999: Director of Physical Therapy Services, CCMH

1993-1999: Supervisor of Spinal Rehab. Services, CCMH

MILITARY EXPERIENCE AND TRAINING

04 Jan. 90: Commissioned Captain USAR-MR

12 Sept. 94: Completed OBC
Qualified: Marksman (9mm)

29 Sep. 95: Completed Combat Casualty Care Course (C4)
Certified in ATLS
Offered ATLS Instructor Position, Fort Sam Houston (Declined)

06 May 97: Promoted to Major, USAR-MC

01 Sep. 98: Honorably Discharged USAR-MC

COMMUNITY ACTIVITIES

Member: Family Life Church

1993-Present: Sponsor of the following Christian Outreach Programs:

Living Way Ministries
Covenant House
KSLT Christian Radio
Focus on the Family Ministry
World Challenge, Inc. Ministry

2001–2003 Assistant Coach Little League Baseball, Gillette

2002-Present Board Member Campbell County Junior Football

2002–06 Assistant Coach Junior Football

JOSEPH F. ALLEGRETTO, M.D.

2501 Bluffs Ridge Drive

Gillette, WY 82718

(307) 685-1108

Fax: 682-6999

To Whom It May Concern, this constitutes the list of cases in which my services were retained as an expert witness either in deposition or at trial and is up-to-date and inclusive through January 1, 2008.

<u>Date</u>	<u>Name</u>	<u>Attorney</u>	<u>Type</u>	<u>D/P</u>	<u>Fee</u>
8/99	H. Gazaway	S. Wolfe	Depo	P—WC	2250
8/99	T. Marx	Godfrey & Ass.	Depo	D	3300
12/02	D. Sherman	J. Michaels	Depo	P—WC	900
5/04	R. Sanders-P	J. Gonda	Depo	D	900
6/04	R. Sanders	R. Arney	Trial	P	600
8/04	N. Rich	J. Cotton	Depo	P	625
12/04	R. Hess	H. Barnett	Depo	P—WC	300
1/05	N. Rich	J. Cotton	Trial	P	1750
5/05	J. Foster-P	R. Koehmstedt	Depo	D	150
5/05	K. Foster-P	R. Koehmstedt	Depo	D	150
9/05	T. Cavanaugh-P	Schwartz/ Bon	Depo	D	450
6/06	T. Cavanaugh	N. Carter	Depo	P	300
6/06	B. Garcia	H. Young	Depo	P	212
7/06	A. Emerson-P	B. Godfrey	Depo	D	780
11/06	R. Beck	VRDOLYAK	Depo	P	2175
4/07	A.Emerson	N. Carter	Trial	P	2500

7/07	L. Lock	J. Davis	Depo	D	750
9/07	L. Lock	J. Michaels	Arbitrat'n	P	650
10/07	R. Webb	J. Cotton	Depo	P	450

JOSEPH F. ALLEGRETTO, M.D

109 W. Lakeway Rd., suite A
Gillette, WY 82718
(307) 682-6222
Fax: 682-6999

28 April 08

Carter Law Offices
Attn: Stephanie Humphrey
310 South Gillette Ave., suite B.
Gillette, WY 82716

RE: Rudolph DeHaan

Dear Ms. Humphrey

I received the medical and legal information on Mr. DeHaan regarding the injury to his right forearm in 2004. Upon my review of the discovery documents, available medical records had been included in this packet. So far as the incident in question (regarding the plaintiff's arrest) all available radiographs have been reviewed. I have no follow-up radiographs or medical records by which to judge the plaintiff's current status. My opinion in this case revolves around the change in status of the ulnar shaft fracture from the original x-rays dated October 12, 2004, and x-rays of subsequent to his arrest dated November 5, 2004.

Initial medical records, from South Lincoln Medical Center, document a nondisplaced fracture of the right ulnar shaft and "significant swelling," sustained during a crush injury on an oil rig. Although not specifically mentioned, a short arm circumferential cast was placed, and the patient instructed to follow-up within four weeks upon his return to Cody, Wyoming. There is no documentation of medical care, interim symptoms, or recurrent trauma until his presentation to Dr. Haydon's office on November 11, approximately 2 weeks following his arrest. On that visit, he describes the details of his arrest, denial of his requests for medical services, and subsequent cast removal and placement of a sugar tong splint.

The fact that the orientation of the ulnar shaft fracture changed from the time of the initial x-rays to those taken on November 5 is undeniable. The distal fragment of the ulnar shaft was not only translated radially, but was also angulated, slightly shortened, and rotated. Callus formation is sparse, but evident on these latter radiographs, indicating that the movement of this fracture had occurred at least 1 1/2 to two weeks earlier.

Both the timing and mechanism of his arrest, as described, are consistent with the changes in the fracture orientation. And in the absence of any other documented torsional or axial compression injury, the arrest appears to be the logical etiology and proximate cause for his fracture displacement.

Plaintiff's Exhibit 2-C

I have attached a copy of my CV and an up-to-date list of cases for which I have testified as an expert witness, either in courtroom or during deposition. If there are any questions or other concerns to which I may provide some assistance, please feel free to contact my office to speak with me directly.

Respectfully,

A handwritten signature in black ink, appearing to read "J. Allegretto". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Joseph F. Allegretto, M.D., FAAOS